



PLANNING COMMISSION MEETING MINUTES

City Council Chamber
200 Old Bernal Avenue, Pleasanton, CA 94566

APPROVED

Wednesday, February 27, 2013

(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Meeting of February 27, 2013, was called to order at 7:00 p.m. by Vice Chair Jennifer Pearce.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Commissioner O'Connor.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Janice Stern, Planning Manager; Julie Harryman, Assistant City Attorney; Steve Otto, Senior Planner; Jenny Soo, Associate Planner; Rosalind Rondash, Associate Planner; Natalie Amos, Associate Planner; Lt. James Knox, Police Department; and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Kathy Narum, Greg O'Connor, Arne Olson, Jennifer Pearce, and Mark Posson

Commissioners Absent: Chair Phil Blank

2. APPROVAL OF MINUTES

a. February 13, 2013

Commissioner Olson requested that the word "unemployed" on the last sentence of the second-to-last paragraph on page 19 be changed to "retired."

Commissioner O'Connor withdrew an amendment request made earlier through an email to staff.

Commissioner Narum moved to approve the Minutes of February 13, 2013 as amended.

Commissioner Posson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Narum, O'Connor, Olson, Pearce, and Posson.

NOES: None.

ABSTAIN: Commissioner O'Connor, on Item 6.a.

RECUSED: None.

ABSENT: Commissioner Blank.

The Minutes of the February 13, 2013 meeting were approved as amended.

3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

Chris Studzinski, a business owner in the Quarry Lane Business Park informed the Commission that an accident occurred at about 5:00 p.m. today, when a woman went out onto the crosswalk and got hit by a car. He stated that Quarry Lane School is an accident waiting to happen, and it happened at the crosswalk on the corner. He noted that people park right on the corner, and they park sticking out. He indicated that one of his employees called him and asked to check it out: there were fire trucks and ambulances out there. He added that the woman did not die, but it was sad and tragic. He stated that he is glad it did not happen to him as he still has little children.

Mr. Studzinski stated that he does not think child-based activities are a good thing to have in an industrial business park. He indicated that adults and parents with little children walk through his landscaping, both during the daytime and in the dark, as they go to the piano school or to the gymnastic studio. He added that his parking lot is a dead end, and as he was backing his truck out one time and not expecting anybody to be there, he almost hit somebody and fortunately, he saw him and did not knock him down. He noted, however, that it scared him.

Mr. Studzinski stated that he just wanted to point this out: the accident happened and he saw it. He questioned what would happen when a little child is hit. He noted that when he comes to work late at around 9:00 a.m., there are tons of cars there, and the people just swing their doors open and cross the street without using the crosswalks. He stated that think they are at Stoneridge Mall, but that is not so; this is a business park where FedEx trucks are zooming around. He indicated that everybody is careful, but this is his point and he just thought he would put that in.

Vice Chair Pearce indicated that this can be considered under "Matters Initiated By Commission Member" if the Commissioners wish.

4. REVISIONS AND OMISSIONS TO THE AGENDA

Janice Stern advised that Item 6.a., P12-1796, City of Pleasanton, a Municipal Code amendment City of Pleasanton relating to Ridgeline and Hill Side Protection and Preservation, has been continued to the March 13, 2013 meeting; Item 6.c., P12-1797, Rina Morningstar, Colliers International, regarding an amendment to the Master Sign Program for the Pleasanton Gateway shopping center, has also been continued to the March 13, 2013 meeting at the request of the applicant; and Item 6.d., P12-1791; Rajitha Sumanasekera, Little Flowers Montessori, an appeal of the Zoning Administrator's denial of a sign, has likewise been continued to the March 13, 2013 meeting at the request of a tenant of the shopping center.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

- a. **P12-1823, Terry C. Morris, Eagle Electric**
Application for a Conditional Use Permit to operate an electrical contractor's business at 3942 Valley Avenue, Suite J, within Valley Business Park.

Commissioner Narum moved to make the conditional use findings as listed in the staff report and to approve Case P12-1823, subject to the Conditions of Approval listed in Exhibit A of the staff report.

Commissioner O'Connor seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Narum, O'Connor, Olson, Pearce, and Posson.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Blank.

Resolution No. PC-2013-10 approving Case P12-1823 was entered and approved as motioned.

6. PUBLIC HEARINGS AND OTHER MATTERS

a. P12-1796, City of Pleasanton

Application to amend Title 18 of the Pleasanton Municipal Code by adding a new Chapter 18.70, Ridgeline and Hillside Protection and Preservation, with development standards and review procedures for commercial and residential developments in the hillside areas of the City.

This item was continued to the March 13, 2013 meeting.

a. P12-1821, Eric DeBlasi, Coconuts Beach Bar and Seafood Grill

Application for a Conditional Use Permit to operate a restaurant and bar/night club within an approximately 10,746-square-foot tenant space located at 4825 Hopyard Road, Suites 4-10, in the Gateway Square Shopping Center. Zoning for the property is PUD-I/C-O (Planned Unit Development- Industrial/Commercial – Office) District.

Rosalind Rondash presented the staff report and described the scope, layout, and key elements of the proposal. She then called the Commission's attention to a memo that staff had earlier provided to the Commission regarding some revisions to the Conditions of Approval addressing concerns that had arisen after the staff report was published. She added that Lt. James Knox of the Police Department was in attendance to answer any questions related to public safety.

In response to Vice Chair Pearce's request, Ms. Rondash pointed out on the displayed floor plan the location of the front door, the reception area, and the secondary door.

Referring to the history of the site, Commissioner O'Connor noted that at one time, the former business, Club Neo, was allowed over 800 occupants but its operator had indicated that it had never actually exceeded a certain number, which he thought was around 600. He asked Ms. Rondash if she recalled what that maximum occupancy was.

Julie Harryman requested Commissioner O'Connor to take a look at the note she had earlier handed to him.

After reading the note, Commissioner O'Connor indicated that he needed to recuse himself because while this subject facility is more than 500 feet from a building he owns, it is within 500 feet of his building's parking lot. He noted that he did recuse himself for the Club Neo discussions. He then recused himself due to this conflict of interest.

Commissioner Narum stated that she did not see any reference to no in-and-out privileges in the Conditions of Approval and inquired if she missed that.

Ms. Rondash replied that Condition No. 27 indicates that in-and-out privileges are limited to the roped-off smoking area which shall be located 20 feet from any door or opening.

Commissioner Narum requested verification that patrons who leave the facility to go to their cars would not be allowed back in.

Ms. Rondash replied that was correct.

Commissioner Olson inquired what the total staffing will be and if the number would be based on an assumed 500 people in the club or if it would vary.

Ms. Rondash replied that she believes there would be a maximum staffing of 50, by shifts, and based on the maximum capacity of 500. She deferred to the club operator for further clarification.

Commissioner Posson noted that with respect to how the in-and-out privileges will be controlled, he has not seen anything in the use permit or in the security plan any definition of how the club will keep track of who came in, who left, and how they will be precluded from re-entry. He further noted that it may be a question for the operator.

Ms. Rondash explained that the cordoned-off area for smoking is adjacent to the entryway but, per the Pleasanton Municipal Code, has to be a specified distance away from any openings, including doors and windows. She noted that the smoking area is required to have security personnel stationed there to ensure that anyone who leaves that area is not allowed back into the club. She added that there are no other in-and-out privileges allowed other than to and from that smoking area.

Commissioner Posson stated that he recognized that, but his question was what process the club would follow for keeping track of who came in and who left and then are re-entering the club.

Ms. Stern replied that the club will have a "Scanshell 800" ID scanner or similar device, and those attempting to come back in the club would have go through the security once again and have their ID scanned, do the pat-down, and everything else. She indicated that Lt. Knox can address the question on the security plan regarding whether or not their names would come up in the Scanshell as having already entered and would not be allowed re-entry or if that really matters as long as they go through the security again, are not bringing in alcohol, are not clearly intoxicated, and so on.

Commissioner Posson inquired if the Scanshell also gets those who do not have California driver's licenses. He noted that the Teen Plan makes reference to scanning High School ID's.

Ms. Stern deferred to Lt. Knox to respond to the question.

Lt. Knox replied that he is not sure if Scanshell scans High School ID's.

Vice Chair Pearce suggested that the Commission first ask its questions of staff and then will call up Lt. Knox after the public hearing is opened. She then asked staff what the smoking regulations are in Pleasanton.

Ms. Stern replied that smoking is not allowed within 20 feet of any door, exit or entry.

Vice Chair Pearce inquired if the club's proposal complies with that.

Ms. Stern said yes.

THE PUBLIC HEARING WAS OPENED.

Eric DeBlasi, Applicant, stated that he would like to answer the questions raised, starting with the last one and then go backward to the others.

With respect to people leaving the facility, Mr. DeBlasi stated that the first thing they do is make sure they go in their car and leave. He noted that most of those under the age of 18 years are being dropped off by their parents. He stated that they actually do this in their facility at Mountain View, where in May or every summer, they would do a ribbon-cutting and got a lot of positive press for the City because it was a safe way to keep the children off the street. He indicated that the age is 14 or 15 years, so they are not driving yet. He added that they do not want the 18-year-olds to go to their car, drink, and then come back. He noted that they monitor the actual parking lots so that those who go to their cars leave, because there is no reason for them to go to their cars.

Mr. DeBlasi stated that the scanner actually does keep track if a person is trying to come back a second time. He added that they keep very close eye on those who walk to their cars because these people are not at liberty to go to their cars, have a drink, and then come back in.

Commissioner Posson inquired if this is same procedure for High School ID's as well.

Mr. DeBlasi replied that it is a little different with High School ID's; they monitor them more tightly. He explained that parents would normally give them about \$25 or \$30; they will pay their \$20 to get in and then buy some water. He added that if these students leave the club and try to come back in, they would have to pay admission all over again, so it would not be likely that they would do this. He continued that what happens most of the time with teens is that they start to line up about an hour in advance, and security then literally goes out and cuts where the last teen is for the maximum allowed occupancy. He noted that these are pre-drinking teens who come in, literally dance for two hours, and then leave; they do not even request to go out, and if they do leave, they would not be able to come back in without paying again.

Mr. DeBlasi stated that security actually searches these teens, not necessarily for drugs or weapons, but for bubble gum, noting that the biggest problem they have had is bubble gum all over the floor. He indicated that once everybody is in, the doors are closed and no one else can come in. He noted that the club is not open all night for people to come in; if it opens at 6:00 p.m. and it is full by 6:30 p.m., the doors are locked so there are no people trying to get in and out. He added that the club counts occupancy and once everybody is in, it does not continue to take money as the night progresses.

Commissioner Posson inquired if this is done even if the club is not full.

Mr. DeBlasi replied that they would if they were not full. He stated that those who left and then paid to get back in would probably be able to get back in if security did not recognize them. He indicated, however, that they have never had that problem for the 22 years they have been in operation. He noted that they put stamps on their hands and added that they can look further into it if necessary.

Commissioner Posson stated that he is very interested in the club's business concept and asked Mr. DeBlasi who he sees as their competition in Pleasanton.

Mr. DeBlasi replied that he does not really see too much competition in Pleasanton because of the demographics they are going after. He suggested that maybe Cheesecake Factory for the food. He noted, however, that the club is a Mexican seafood grill, but because it has a "non-compete" with Chili's next door, the club cannot be more than 49 percent Mexican. He added that in Las Vegas, it is called "Coconut's Beach Bar and Grill," but here in Pleasanton, it is called "Coconut's Beach Bar and Seafood Grill," with emphasis on "Seafood."

Commissioner Posson inquired what the competition is in the Tri-Valley area if there is none in Pleasanton.

Mr. DeBlasi replied that it could possibly be Scott's Seafood Restaurant in Walnut Creek, but probably not either because the club will have a fun, interactive concept with an electric surfboard inside. He indicated that it will be a fun, casual place where people can go to, with great food and more casual dining. He stated that in their market analysis, they did not really find anyone he could say would be their competition. He noted that they are also going after different demographics during different parts of the day; for example, they will be doing happy hour where they will really be going after the local businesses, especially across the street in the business park; on Friday and Saturday nights, they will go after the families for dinner; and during the daytime, they will have families for birthday parties, similar to Chevy's which is very well known for that, with piñatas and four-foot long burritos.

Commissioner Posson inquired how the concept of the restaurant turning into a nightclub would work.

Mr. DeBlasi replied that the evolution of that is tricky because marketing has to be directed towards the restaurant first, kind of like in South Beach or in Spain; and in the night time, they would move the tables and chairs, and people come out and dance. He indicated that if their marketing promotes that they are a nightclub and also do teens and 18-and-up and have great food, it would not work because it would be confusing; adults would be saying that they will be eating dinner at the same place their my son and granddaughter were two weeks ago. He stated that what they do is have billboards and go after the foodies; they try to do direct marketing by using different ways of working with the local colleges and with high schools for the younger demographics; it then kind of evolves into the nightclub.

Mr. DeBlasi stated that for the past 20 years, their Contra Costa club has always been known for its Wednesday and Thursday Locals Night. He indicated that there was Bobby McGee's many years ago, and there is Blue Tattoo and a dozen other places so it was pretty easy to do a 21-and-up on Thursdays. He stated that it is called the "bridge and tunnel crowd" for people who stay in the area during the week but probably go to the more upscale crowd in San Francisco on a Friday or Saturday night. He noted that there is a huge daytime population between the two business parks in Pleasanton and San Ramon, and he would like to try to keep that daytime population in this area to spend their money here and save a drive and, hopefully, traffic as well. He added that they also have Taco Tuesday Nights.

Commissioner Posson asked Mr. DeBlasi if his business plan would close if it is restaurant only without a nightclub.

Mr. DeBlasi replied that the restaurant hours are all night. He indicated that the ratio of food to alcohol goes down after 11:00 p.m., but food is available all night. He stated that the best case scenario would be: they have happy hour at 5:00 p.m.; they are crowded from 7:00 p.m. to 10:00 p.m. for dinner; the younger people start to leave at 10:00 p.m., and the 21-and-up night, the over-21 start to come in; more people start to show up at 11:00 p.m. with a base of the people who were there for dinner as it evolves into a nightclub. He added that sometimes they close earlier than 2:00 a.m. because a lot of people do not actually stay until then, and so much of the business is done in the earlier hours.

Commissioner Posson stated that he must have misread this because he thought the plan was to stay open until 9:00 p.m. and then use the time from 9:00 p.m. to 10:00 p.m. to convert to a nightclub.

Mr. DeBlasi replied that the plan is not exactly that way. He indicated that they start staffing at 9:00 p.m., setting up security and keeping an eye out as they do not want people in the club if they do not have an ID. He further indicated that they want to serve food as late as possible; they do not want to push people who are eating dinner out the door; they do not want to have last seating at 8:30 p.m. because that would stifle back the dinner crowd. He reiterated that this is more of a fun place and not just the place where everyone goes just to dance a lot but one where people will dance where they

are at or have fun where they are sitting, a little bit more like “Senior Frogs” in Mexico or “Cabo Wabo.”

Commissioner Posson asked once more if the business plan would close if it were restaurant only.

Mr. DeBlasi replied that it would depend on traffic; they would have listed hours. He stated that they could stay open if people are coming in. He added that what they try to do is show that they are a restaurant where people can actually come late and where it is okay to have people in there eating while the place allows them to dance, just like in “Senior Frogs” where there can still be a table eating a four-foot long burrito and breaking a piñata while other people are dancing. He noted that it is not cut and dry; they do not put away all the tables and chairs and the food, and bring in the music, staff, and bartenders; rather, they cut back the wait staff and bring in some more bartenders as it evolves; and they bring in security.

Commissioner Posson noted that it is transitional then, and they do not close at 9:00 p.m. and re-open at 10:00 p.m.

Mr. DeBlasi said yes and added that there is no closing.

Commissioner Posson inquired if there are other Coconuts restaurants.

Mr. DeBlasi replied that there is one in Las Vegas, in Town Square which is one of the top malls in the west coast per square foot for food and beverage.

Commissioner Posson noted that on page 2 of Exhibit B of the staff report, which is a description of the business, mention is made of geographic location and locals. He asked Mr. DeBlasi what he looks at as a geographic area where he pulls in your patrons from.

Mr. DeBlasi replied that he would pull his demographic in the surrounding Pleasanton area and down the I-680 corridor to Walnut Creek up to Orinda. He added that his targeted market would be Orinda, Moraga, Lafayette, Walnut Creek, Alamo, Danville, Dublin, and Pleasanton.

Commissioner Posson noted that the club has kind of a general category of special events and inquired what type of special events was envisioned.

Mr. DeBlasi replied that he would normally put together a banquet and special events department, which is a team of people that would go to, say, Chevron, Nissan, and Toyota and talk to their human resource people and try to work on doing their Christmas parties or any type of events, including birthday parties. He added that they also work with different charities to do different events, such as Make a Wish and Children’s Hospital. He indicated that they basically have a facility, they are paying rent, so what

they try to do is operate as many hours of the day as possible for anything they can that makes sense for the demographic they are going after.

Commissioner Posson inquired what would not make sense.

Mr. DeBlasi replied that in Pleasanton, what would probably not make sense is to do hip-hop events where they would be pulling in people from more than ten miles away who would maybe prefer to dance to hip-hop and that type of stuff.

Commissioner Posson noted that public school programs is mentioned on page 3 of Exhibit B and inquired how those work.

Mr. DeBlasi replied that this would be events for young people such as teen dance parties where they team up with a bunch of different people for a star search dance party, open mike, and different contests where they hopefully would do viral social media to get the young people in the community that dance or sing. He indicated that they interact with the schools themselves and try to figure out with them if they need anything, such as jerseys for their softball team. He noted that this actually lessens their marketing budget because they would not have to spend money to market per se. He added that they try to do attractive things with them, including sponsoring cheerleaders for cheerleading competitions; they have worked with Mothers Against Drunken Driving to keep the children off of the street, and with different organizations who try to keep teens safe.

Commissioner Posson stated that Mothers Against Drunk Driving (MADD) kind of intrigues him because it would be an alcohol establishment working with Mothers Against Drunk Driving.

Mr. DeBlasi explained that part of what they are doing is showing that young people can have a fun environment and dance and that they do not have to have any form of alcohol or drugs to do so.

Commissioner Posson inquired if MADD has programs designed around that type of activity.

Mr. DeBlasi said no. He indicated that they have reached out to MADD in the past and that MADD has actually come to them, giving them a pat on the back for having nights that are actually safely ran. He stated that they have female security and do not let anyone over 18 years in the club unless they have a High School ID because a lot of times, the place can end up like raves if older people are allowed in, including people over 21 years who are looking to prey on younger males and females. He indicated that they have tried to separate these age groups and that they have been very successful at that.

Mr. DeBlasi stated that they have had great success with the City of Mountain View, which is a local place. He noted that they were in their newspapers on a bi-monthly basis, and it actually said that they had problems with the new owners and that if they operated it the way that Eric DeBlasi did, they would still be welcoming these people into the community. He further noted the Henry Manayan and the Mayor of Milpitas actually tried to get him into the Great Mall a couple of times, but it did not work out for financial reasons. He stated that he has been doing this for a long time, that he is also a real estate developer from the community and has been here since 1973 so he is very familiar with Contra Costa County and Berkeley.

Commissioner Posson noted that Item 7 on page 5 of Exhibit B says that the applicant believes he will be coming back to discuss some proposed uses and that he will need to return to the Planning Commission to modify the Conditional Use Permit for any activities that are part of that approval.

Ms. Stern clarified that it is not for uses but that there was discussion about the patio.

Mr. DeBlasi explained that after this meeting, they were going to try and find out from Building and Planning what type of timeframe it would take if he puts in a permit for outdoor patio dining. He stated that, especially in California, when the weather's good, they would really want to have a patio and have fire pits, and so forth. He added that they were looking at having a 3,700-square-foot patio that would be taking up approximately 10 parking spaces, for which they would do a parking analysis.

Commissioner Posson continued that on page 6 of Exhibit B, the security plan talks about dealing with intoxicated patrons. He inquired how that is done.

Mr. DeBlasi said they do it calmly. He explained that they try to use common sense and try to read them. He noted that a good staff is supposed to read the patrons throughout the night, and every staff, from the bartender to the bottle service person, is trained to keep an eye on people to make sure they are not over-pouring. He further noted that the door staff is trained to make sure people who are already intoxicated are not coming in. He added that they deal with these patrons, hopefully prior to their getting intoxicated, and if they are getting intoxicated, they try to slow them down.

Mr. DeBlasi stated they have what he calls a Monday morning business, where every Monday they come back and figure out what worked the past week business-wise: whether they were slow or busy, whether there were any problems with people getting DUI's because they were over-pouring, and so forth.

Mr. DeBlasi stated that Pleasanton is the first City where they have not proposed to be open until 4:00 a.m. He explained that the last call occurs between 1:00 a.m. and 1:30 a.m.; they then let them sober down and calm down, serve them free food, make sure they are happy by the time they go home; and then let them out slowly throughout the evening, put them in their car, and tell them to leave the facility as quick as humanly possible. He noted that this also does not put an impact on the Police Department. He

added that cities would never think about doing afterhours because afterhours are perceived as people coming in and doing drugs. He stated that in Las Vegas, they close at 2:00 a.m. but people stay there until 4:00 a.m. He noted that they have had no incidences there, and they are used by the Metro Police there as the example of how to own and operate a night club in that logistic.

Commissioner Posson asked Mr. DeBlasi how Coconuts adds to the quality of life in Pleasanton.

Mr. DeBlasi replied that he does not think it will, and that would be promising a lot. He stated that what it would do is provide a lot of jobs. He added that they are going to be fair and respectful entrepreneurs who will make sure that the people who work for them are treated well and the community is treated well.

Commissioner Olson asked what the total number of staff is.

Mr. DeBlasi replied that they do what is called casting, which means that they run ads. He indicated that normally, in Contra Costa, 200 or 300 people show up for casting: they start off with 130 to 150 employees, out of which they normally keep a nucleus of about 80, and with people coming and going around, that would be about 110 to 120 staff at any given time, both part-time and full-time. He noted that it takes a lot of staffing to do it right.

Commissioner Olson inquired if staff is a finite permanent number or if it varies during an evening where they go through the different phases.

Mr. DeBlasi replied that it varies. He explained that, for example, they are open for lunch and are not really going to close; then they have staff come in around 4:00 p.m. who work until 8:00 p.m. or 9:00 p.m., at which time another shift comes in. He indicated that it can vary depending on the day and the shift: there could be as many as 40 employees on a packed Saturday lunch; then at night, there are bartenders, bar backs, security, food servers, and people taking the money at the door. He indicated that they always have quite a bit of people; they never want to work shifts for too long just because of the high interaction with customers, and people can get grumpy.

Mr. DeBlasi stated the difference between a nightclub and a restaurant is that in a nightclub, the doors open and the place gets full; but a restaurant has to be built. He added that the restaurant is the more important of the two because that is what is kept for the next ten years. He explained that a nightclub has to get a base of people, and if the name of the nightclub has to be changed, the doors have to be closed and then start all over again; the demographic does not change. He continued that on the other hand, for a restaurant, food gives you a base to work off of, and if the restaurant is doing well, profit comes in, hopefully by month 14, because it is very, very labor intensive. He indicated that on Tuesday nights, they have to have four hostesses, four bartenders, five food servers, people in the kitchen. He noted that only 30 people could show up; but if 200 people do show up, they need to be ready. He stated that it is a very

expensive learning process and for the first few months, they try to figure out what days they are going to be busy and what works to get the demographic out there. He added that they could initially overstaff the place because they do not want people to come in and have to wait an hour to get their food; they want the people to keep coming back. He noted that the key to a successful restaurant is the repeat business; without it, the restaurant would be done in six months.

Commissioner Olson noted that it was his sense that the difficulties that came about with the former business were essentially caused by the theme of the place, which drew and unsavory crowd. He indicated that the business owners were going to change the theme, and the Commission put a lower occupancy level in place; but that apparently did not work out.

Mr. DeBlasi noted that it was a music format theme, hip-hop, as he mentioned earlier. He stated that the problem is, if the place offers a certain theme, especially hip-hop, it invites a whole bunch of people to come over as there is nobody else in Northern California that caters to the hip-hop community. He indicated that they are lucky to have time on their side because the time they re-open, they are not opening as a hip-hop place. He indicated that they are more of a margaritaville, and the chance of that demographic coming back again to come and eat four-foot burritos and break piñatas is very unlikely. He added that he does not see any threat and does not plan to have any of their DJ's or to do anything to invite them to come.

Vice Chair Pearce noted that Mr. DeBlasi mentioned bottle-service, but there is no mention of that in the narrative. She asked Mr. DeBlasi if he is planning to have bottle service and how that is going to operate.

Mr. DeBlasi said yes. He indicated that, for example, he would like to serve bottles to the local bridge and tunnel crowd that goes out here for the last 20 years on a Wednesday or Thursday night. He stated that there is more markup in it and it's actually more controlled because there is a bottle-service person who pours the drink for them, keeps an eye on it, and keeps everything clean. He added that there is one bottle-service person for every three tables to keep it well-monitored.

Vice Chair Pearce inquired if the situation is where the patrons purchase the bottles in advance and then the bottles come to the table, if they have access to the bottle, and if they can pour their own drink.

Mr. DeBlasi replied that the patrons are not told that they are not allowed to pour for themselves but the service is so good that they don't need to do that.

Vice Chair Pearce noted that with a typical bar situation, the bartender cuts off those who have had too much to drink. She inquired how, with a bottle service situation where the patrons pre-pay for the bottle, they have typically in the past managed the situation if people become overly intoxicated.

Mr. DeBlasi replied that they can legally tell the patrons they are cut off and they would understand. He noted that patrons who are drinking too much and are told so may get a little aggravated, but that's where the staff talk calmly to them, tell them they appreciate their coming and get them some food, but they slow down on the alcohol.

Vice Chair Pearce inquired if this is something they have clearly managed in the past in their other establishments without seeing incidents.

Mr. DeBlasi replied that it is something that he has learned from consulting with other people and from seeing it done improperly.

Vice Chair Pearce inquired if the club shuts down at 9:00 p.m. on 14-to-18-year-old nights.

Mr. DeBlasi replied that what he actually is trying to do on Sundays, which he finds is working, is get the teenagers there around 6:00 p.m. or 7:00 p.m. up to about 8:00 p.m. or 9:00 p.m., which made more sense and which parents like better. He indicated that it could also happen on some school nights when they have a teen dance party, but it would be much earlier, like 5:00 p.m. to 8:00 p.m. He added that at that point, they would not be a restaurant.

Vice Chair Pearce inquired if they would not then re-open as an 18- or 21-over club.

Mr. DeBlasi said no. He added that if they had that kind of need, they would; but they would not have that need because nobody would want to come over on a Sunday night.

Vice Chair Pearce asked Mr. DeBlasi if that is not currently in his plan.

Mr. DeBlasi replied that it was not. He added that it would be a nice thing if he could go and do that; do food and maybe something else.

Commissioner Posson referred back to Exhibit B and asked for clarification on the Table on page 11 which states that the restaurant closes at 9:00 p.m. and re-opens at 10:00 p.m.

Mr. DeBlasi replied that it was a typo and apologized for the error. He indicated that the restaurant never closes. He noted that if they were slow maybe on a Tuesday, Wednesday, or Thursday, they would close at 9:00 p.m.; but not on a Friday or Saturday night.

Ms. Stern indicated that staff can clarify that that is the start of the transition period between the restaurant and the night club.

Mr. DeBlasi confirmed that it would be the transition period, but they would not close their doors then.

Commissioner Posson noted that if he understands it correctly, the largest room would be transitioned from the restaurant to a nightclub. He inquired how that happens.

Mr. DeBlasi replied that what ends up happening is that they ask the people who show up later if they are there for dinner or for drinks. He noted that as the night progresses, more people would say they are there for drinks, and staff would start seating people more for alcohol and/or nightclub.

Commissioner Narum noted Mr. DeBlasi's statement that he would close the restaurant if there are not many people in attendance.

Mr. DeBlasi said yes. He stated that they have to have hours of operation, and the restaurant will be open up to that time, but they may remain open later if they are busy.

Commissioner Narum noted that Condition No. 21 states that the operator shall provide at least limited food service during all operating hours of the business.

Mr. DeBlasi replied that they will have food all night, but it would not be a full restaurant; it would be a late night menu that is basically burritos, tacos, and some seafood dishes. He indicated that the kitchen is fully staffed when it is open, and it is cut to half when it slows down.

Commissioner Narum inquired if that is adequately addressed in the conditions.

Ms. Stern said yes.

Commissioner Olson noted that Condition No. 21 does reference appetizers.

Commissioner Narum agreed but indicated that she felt a little uncomfortable when Mr. DeBlasi talked a couple of minutes ago about shutting the kitchen down.

Mr. DeBlasi clarified that he meant, for example, that on a Tuesday night, if they are not busy for dinner, they would close the entire establishment at 10:00 p.m., which is the end of their hours of operation. He added that they would remain open until then so if people show up, staff would be there.

Gene Havrilenko stated that he is the property manager of the complex and represented the owners of the shopping center. He indicated that he is present tonight to support their future tenant.

Sean Sowell stated that he has lived in Pleasanton since 2000 and remembers Club Neo and Shboom. He indicated that as a regular reader of Pleasanton Weekly and seeing all the police reports, he is really concerned that given the history of the location, this is going to create a problem. He stated that he recognized that there is a new owner and the need for local businesses. He added that he knows Lloyd, the proprietor at Maui Wowie, and realizes that Lloyd, as well as the other tenants at that shopping

center, would like some spillover visitors in the evening, and he is respectful of that. He reiterated, however, that he is concerned that the memory of that location just goes back too far and the folks who came to that club in years past are still going to remember, even though it is a new name, that that place was there. He added that he is also concerned about public safety and the costs to the Police Department. He inquired if the new owner pay for these costs, which he hopes they would. He recalled that there were multiple visits by the police on various weekends, on numerous weekends when I would drive by, and he recalled that the place was closed because there was a shooting. He stated that he is sure Pleasanton residents remember that and will for a long time, and he does not see why people from San Jose, San Francisco, Oakland, and elsewhere in the Bay Area are not going to remember that and are not going to be attracted to this. He added that he was reading over the materials and it looked to him like the issues with this place go back to at least 1997 and 1998 before he even moved to town, and he would not be surprised if it went back even further.

Mr. Sowell stated that one of the uses he would like to see for this location is a greater emphasis on a place where young people; teenagers, can gather and have fun. He indicated that his twin sons are now 14 years. He noted that over a year or two ago, the City put on events at Hart Middle School on Friday nights, but budget cuts have since prevented that from going on. He stated that it was essentially a place where teens who were older than the Pump It Up or Super Franks set could go. He noted that those were great places for these teens. He added that as far as he knows, except for Boomer's in Livermore and maybe Super Franks to some extent, there is no place for children 12 to 18 or 14 to 18 to go that would be actually fun to go to. He indicated that he would like for there to be a period during the week where maybe 12- to 14-year-olds are welcome, and only within that age range would seem appropriate; and then maybe from 16 to 18 years at a different day and a different time. He reiterated that he thinks that would be great so the young people are in a safe place.

THE PUBLIC HEARING WAS CLOSED

Vice Chair Pearce asked Lt. Knox if the Police Department is comfortable with the operations as set forth in the Conditions of Approval.

Lt. Knox said yes, as proposed, pending approval of the submitted security plan.

Vice Chair Pearce inquired if he has seen the revised Conditions of Approval on the staff memo dated today.

Lt. Knox said yes.

Vice Chair Pearce noted that there is an altered condition in the memo that talks about calling the Police Department if somebody standing outside the property will not leave. She inquired if it is typical for the Police Department to do that.

Lt. Knox replied that it depends on a case-by-case basis. He stated that they would respond to public disturbance or if it rises to the occasion of a difficult patron; but their response is in general and not specific to just that location or that type of business.

Commissioner Olson asked when Lt. Knox expects to get that security plan.

Lt. Knox replied that it should be approved by the Chief of Police prior to the opening of the business.

Commissioner Olson inquired, should the Commission approved the application tonight, if it would be subject to the Police Chief's approval of that plan.

Lt. Knox said yes.

Commissioner Olson asked Lt. Knox if he is not sure when that will come through.

Lt. Knox replied that it would be at the applicant's submission. He added that he would work on it with the applicant.

Commissioner Olson stated that, assuming everything works out and they operate successfully, there would be no reason to report back to the Planning Commission on how many calls the Police Department has received. He noted, however, that there have been other situations that have come before the Commission where the Commission has actually requested the Police Department to keep a tally anyway and report back quarterly to the Commission. He indicated that he would anticipate that the Commission would request the same thing on this establishment if problems come up.

Lt. Knox said yes.

Commissioner Narum moved to make the required conditional use findings as described in the staff report and to approve Case P12-1821, subject to the Conditions of Approval listed in Exhibit A of the staff report, and incorporating the amendments to the conditions as stated in the staff memo dated February 27, 2013.

Commissioner Olson seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Narum, Olson, and Pearce

NOES: Commissioner Posson.

ABSTAIN: None.

RECUSED: Commissioner O'Connor.

ABSENT: Commissioner Blank.

Resolution No. PC-2013-11 approving P12-1821 was entered and approved as motioned.

- b. **P12-1797, Rina Morningstar, Colliers International**
Application for Sign Design Review approval to amend the Master Sign Program for the Pleasanton Gateway shopping center to add three tenant signs to the west side of the Shops #8 building located at 6786 Bernal Avenue (northwest corner of Bernal Avenue and the northbound I-680 off-ramp). Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.

This item was continued to the March 13, 2013 meeting at the request of the applicant.

- c. **P12-1791, Rajitha Sumanasekera, Little Flowers Montessori, Appellant**
Appeal of the Zoning Administrator's denial of an application for Sign Design Review to retain a non-approved but already installed non-illuminated wall-mounted sign at 3550 Bernal Avenue, Suite 110. Zoning for the property is PUD-C-N (Planned Unit Development – Neighborhood-Commercial) District.

This item was continued to the March 13, 2013 meeting at the request of the adjacent tenant.

7. MATTERS INITIATED BY COMMISSION MEMBERS

Car Accident on Quarry Lane

Vice Chair Pearce asked Mr. Dolan if staff had any information about the accident that Mr. Studzinski brought up regarding Quarry Lane.

Mr. Dolan replied that this is the first he has heard of it and that he would follow up and inform the Commission.

Vice Chair Pearce thanked Mr. Dolan and added that she just wants to make sure that the Commission keeps an eye on that and make sure it stays on top of it because this has been an ongoing concern in that Business Park.

Commissioner Narum inquired if Quarry Lane is on a Conditional Use Permit.

Ms. Stern replied that it is an old one and may predate the necessity for a use permit. She stated that staff would check on that as well.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

No discussion was held or action taken.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

d. Matters for Commission's Information

Historic Preservation Task Force

Vice Chair Pearce informed the Commission that the Historic Preservation Task Force had a meeting last week that was very well attended. She noted that the Task Force is doing additional outreach to the commercial community and has formed a subcommittee that is going to have an additional meeting with Ms. Rondash tomorrow morning to ascertain what kind of additional outreach the Task Force should do in preparation for its Council check in at a date to be determined.

Bicycle, Pedestrian, and Trail Committee

Commissioner Olson stated that the Bicycle, Pedestrian, and Trail Committee met on Monday evening, February 25, 2013. He stated that one interesting thing is that the Alameda County Transportation Commission has a grant process that the City has been asked to submit information on by March 15, 2013. He added that there was also a discussion about the Pleasanton Gateway project and concern as to whether or not there will be a bike trail and walking trail around that project. He indicated that his understanding is that there is one planned, particularly between the freeway and the apartments that go around and come back up to Valley Avenue. He stated that some of the members had thought they had heard otherwise. He added that there was a discussion about roundabouts, of which the City still has a few, and the Police Department liaison indicated that people are oftentimes confused as to how to use them. Commissioner Olson indicated that it was an interesting meeting.

e. Recommendation of Planning Items for the 2013 City Council Priorities

Vice Chair Pearce thanked staff for the documents staff put together for the Commission. She indicated that the Commission wants to provide the Council with priorities. She proposed that the Commission provide no more than three priorities and that her initial thought was to keep the Hacienda PUD update on there. She indicated that she thinks it is really a pertinent one and is a tremendous source of potential revenue for the City.

Commissioner Olson agreed.

Commissioner Narum commented that the revenue from Hacienda would pay for the Bernal bridge.

Vice Chair Pearce agreed, adding that it was her understanding that there is no funding for that bridge.

Vice Chair Pearce stated that she also really liked the idea proposed by Commissioner Olson of making sure that the East Pleasanton Specific Plan and the Historic Preservation Task Forces be kept on the list to re-emphasize the Commission's commitment to those processes.

Commissioners Narum and Olson agreed.

Commissioner Posson noted that staff provided the details on the Climate Action Plan as well as the tables for the short-term, mid-term, and long-term items. He indicated that he thinks TR1-11, the Transit System Master Plan, is indicative of some of the major planning items. He noted that the thinking of the Energy and Environment Committee and the feedback it got from the community during the Climate Action Plan was that if the City is to achieve the targets to meet the State mandate, the transit corridors will have to be addressed, which is the main reason why that Transit System Master Plan was placed in there. He added that this is long-term, 2013/2014, but there are a number of other items in the Climate Action Plan that are planning-oriented as well. He proposed that this be included as one of the priorities.

Commissioner O'Connor stated that the Commission received more documents than he had expected and he did not get the chance to go get through it all. He noted that there are a lot of details on some of the Climate Action Plan items. He inquired what the timeframe was to get the information back to the Council.

Mr. Dolan replied that staff prefers to have it as soon as possible. He noted that the Council's Priorities Workshop is on March 25, 2013, so the Commission could go another meeting if it wanted to.

Commissioner Narum stated that she is not sure she wants to do that because she thinks the agenda would be pretty full with all these items that have been continued.

Vice Chair Pearce noted that the other question is whether the Commission wants Chair Blank to be present for the discussion. She indicated that given Commissioner O'Connor's point, which is well-taken, and the fact that Chair Blank is absent, she can put off the item one more time. She asked if the Commission supports doing that.

Commissioner O'Connor noted that Mike Tassano, City Traffic Engineer, also has several pages, which he has not had a chance to review as well.

Vice Chair Pearce noted that Mr. Tassano did a great job, putting together a six-page memo under duress.

Commissioner Narum inquired if the Energy Committee will be doing its own set of priority recommendations.

Mr. Dolan said yes. He stated that he is almost sure that is correct and that he would let the Commission know if it is not.

Commissioner O'Connor requested clarification that the Climate Action Plan will then not need to be picked up or considered by the Commission.

Mr. Dolan explained that part of the Climate Action Plan is within Planning's area of responsibility and there are some very specific things that will go through this Commission; anything that requires an ordinance change, which happens to be in the Zoning Ordinance, will clearly do it. He indicated that many of them are already underway.

Commissioner O'Connor noted that the last time the Commission talked about the East Pleasanton Specific Plan, he understood from staff that it was pretty well underway. He asked the Commission if it really wanted to include that, considering that the Commission wants to highlight only one or two items. He questioned if the Commission would be diluting its No. 1 item if it throws an extra item in.

Mr. Dolan reminded the Commission that he did mention that the City Manager was very happy with the single recommendation the last time. He added that he believes the Commission's No. 2 and No. 3 items are underway and are going to happen; whether or not they would dilute No. 1, he did not know. He noted, however, that there is only one that is not underway, and the Commission has listed it numerically as No. 1.

Vice Chair Pearce stated that she would think the other two are just for emphasis.

Commissioner Narum agreed. She indicated that the Commission had good luck and success with one item.

Commissioner O'Connor stated that maybe, as Mr. Dolan has suggested, the Commission could put all the wood behind one arrow and give the Council a No. 1 and then emphasize that the Commission really thinks the other couple of items are important and to continue them. He added that he would hate to throw three things out there and take something that is already well underway.

Vice Chair Pearce stated that it was her suggestion to do the two items the Commission is already doing as an indication that the Commission is recommitting itself and believes in that process.

Commissioner Narum commented that she did not think a 20-member Task Force just stopping all of a sudden is not going to happen.

Vice Chair Pearce added that the Historic Preservation Task Force is important as well and is not going to stop.

Vice Chair thanked the Commissioners for their input. She then indicated that this item will be continued to the March 13, 2013 meeting and asked the Commissioners to hold on to their documents.

9. ADJOURNMENT

Vice Chair Pearce adjourned the Planning Commission meeting at 8:25 p.m.

Respectfully,

JANICE STERN
Secretary